

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

| | | |
|--------------------------|---|---------------------------|
| |) | |
| UNITED STATES OF AMERICA |) | |
| |) | |
| v. |) | CRIMINAL NO. 04-10288-RWZ |
| |) | |
| CARLOS ESPINOLA, |) | |
| JOSE MELO, |) | |
| JOSEPH BALDASSANO, |) | |
| MATTHEW CREAM, |) | |
| JASON MATTHEWS, |) | |
| JOSEPH ALLEN, |) | |
| JONATHAN MITCHELL, |) | |
| JAMES GARDNER, |) | |
| PHILLIP ALBERT, JR., |) | |
| JARED KNOWLTON, |) | |
| ARCHIBALD MACLEOD, and |) | |
| GIUSEPPE TORRENTE |) | |
| |) | |
| Defendants |) | |

GOVERNMENT'S MOTION TO EXCLUDE TIME

Now comes the United States, by its attorneys, Michael J. Sullivan, United States Attorney, and David G. Tobin, Assistant U.S. Attorney, and hereby moves this Honorable Court to exclude from all Speedy Trial Act calculations the period of time from June 22, 2005 through August 17, 2005.

In support of this motion, the government avers the following: The defendants were indicted on September 22, 2004 (See Docket entry 90). The period of time from October 4, 2004 through June 21, 2005 was excluded from the provisions of the Speedy Trial Act by this Honorable Court (Swartwood, C.M.J)(See

Docket entries 99, 125, 146, 192, 218).¹ On June 22, 2005, this Honorable Court (Swartwood, C.M.J.) issued its Final Status Report and referred the case back to the District Court Judge (Zobel, J.)(See Docket entry 217). On August 1, 2005, the Court scheduled a Status Conference for August 17, 2005 (See Docket entries dated August 1, 2005). The period of time from July 13, 2005 through the present is excluded from the provisions of the Speedy Trial Act because of pending motions (See Docket entries 219, 220, 221).

The government requests that all of the time from June 22, 2005 through August 17, 2005 be excluded from the provisions of the Speedy Trial Act delay pursuant to 18 U.S.C. § 3161(h)(8)(A)). The requested delay is in the interests of justice and outweighs the best interests of the public and the defendant in a speedy trial. In the alternative, the government respectfully requests an immediate status conference date.

Respectfully submitted,

MICHAEL J. SULLIVAN
United States Attorney

By: /s/ David G. Tobin
DAVID G. TOBIN
Assistant U.S. Attorney

Dated: August 2, 2005

¹The period of time from September 23, 2004 until October 4, 2004 was excluded from the provisions of the Speedy Trial Act because of a pending motion (See Docket entry 130).